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Solutions America, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

CRAGO d/b/a DASH COMPUTERS, INC., et al.,  
on its own behalf and on behalf of similarly situated  
parties,

Plaintiff,

v.

MITSUBISHI ELECTRIC CORPORATION, et al.,

Defendants.

MDL No. 1917

Case No. 3:14-cv-02058-JST

Master File No. 3:07-cv-05944-JST

**DECLARATION OF TERRENCE J. TRUAX  
IN SUPPORT OF MITSUBISHI ELECTRIC  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PURSUANT TO CIVIL LOCAL RULES 7-11  
AND 79-5**

Judge: Hon. Jon S. Tigar

I, Terrence J. Truax, hereby declare as follows:

1. I am a Partner with the law firm of Jenner & Block LLP, counsel for Mitsubishi Electric Corporation, Mitsubishi Electric US, Inc., and Mitsubishi Electric Visual Solutions America, Inc. (collectively, the “Mitsubishi Electric Defendants”). I am an attorney licensed to practice law in the State of Illinois and was granted leave to appear *pro hac vice* in this litigation.

2. I submit this Declaration in support of the Mitsubishi Electric Defendants’ Administrative Motion to File Under Seal pursuant to Civil Local Rules 7-11 and 79-5. I have personal knowledge of the matter set forth herein. If called as a witness, I could and would testify competently to them.

3. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter. ECF No. 306 (“Stipulated Protective Order”).

4. Pursuant to Civil Local Rules 7-11 and 79-5, the Mitsubishi Electric Defendants respectfully request to file under seal **portions of pages 1, 13, 15** of the Mitsubishi Electric Defendants’ Motion for Relief from Nondispositive Pretrial Order of Special Master (“Motion”), and the following Exhibits to the Declaration of Terrence J. Truax in Support of the Motion:

Exhibit	Description	Designating Parties
<b>1</b>	DPPs’ Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015	
	Pages 1, 4, 13, 16-17, 20	Samsung SDI
	Pages 5-11, 13-16	Mitsubishi Electric
	Page 13	Chunghwa
	Pages 13-14	Philips
	Page 13	Hitachi
<b>2</b>	Mitsubishi Electric’s Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015	
	Page ii, 1, 20-23	Samsung SDI
	Pages 2-6, 8-19, 23	Mitsubishi Electric
<b>3</b>	DPPs’ Reply in Support of Their Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re: Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated January 8, 2016	
	Page 5-7, 14	Samsung SDI

	Page 3-9, 11	Mitsubishi Electric
	Page 5	Chunghwa
	Page 7	Philips
	Page 8	Hitachi
<b>4</b>	Portions of DPPs' Supplemental Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence and for Evidentiary Sanctions, dated June 30, 2016	
	Page 3	Samsung SDI
	Pages 1-5	Mitsubishi Electric
	Page 3	Toshiba
	Page 3	Hitachi
<b>5</b>	Portions of Mitsubishi Electric's Response to DPPs' Supplemental Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence and for Evidentiary Sanctions, dated July 21, 2016	
	Pages 6-7, 12	Samsung SDI
	Pages 2-7, 10-13	Mitsubishi Electric
	Page 8	Toshiba
	Page 8	Hitachi
<b>6</b>	Transcript of Videotaped Deposition of Koji Murata, held on July 9, 2015, Designated Confidential (Exhibit 14 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015)	Mitsubishi Electric
<b>7</b>	Portions of Mitsubishi Electric's Brief in Opposition to DPPs Motion to Compel Testimony and Other Evidence Sought in Deposition of Koji Murata, dated February 6, 2015, Designated Confidential	Mitsubishi Electric
<b>9</b>	Mitsubishi Electric Corporation's Supplemental Response to DAPs' First Set of Interrogatories, Designated Confidential (Exhibit 12 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015)	Mitsubishi Electric
<b>10</b>	Mitsubishi Electric Corporation's Supplemental Response to DPPs' First Set of Interrogatories, Designated Confidential (Exhibit 14 to DPPs' Motion to Compel Mitsubishi Electric to Supplement Answers to Interrogatories, dated December 18, 2014)	Mitsubishi Electric
<b>13</b>	Portions of DPPs' Motion to Compel Mitsubishi Electric Defendants to Supplement Their Answers to Interrogatories, Dated December 18, 2014, Designated Confidential (Exhibit 19 to DPPs' Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015)	

	Page 2	Samsung SDI
	Pages 2-3	Mitsubishi Electric
<b>15</b>	Mitsubishi Electric Corporation's Supplemental Response to DPPs' First Set of Interrogatories, Designated Confidential (Exhibit 13 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015)	Mitsubishi Electric
<b>16</b>	Portions of Mitsubishi Electric's Exhibit B to Mitsubishi Electric Corporation's Supplemental Response to the DPPs' First Set of Interrogatories (Exhibit 10 to Mitsubishi Electric's Supplemental Brief re Depositions of Masahiko Konishi and Koji Murata, dated May 26, 2015)	Mitsubishi Electric
<b>17</b>	Portions of Mitsubishi Electric's Supplemental Brief re Depositions of Masahiko Konishi and Koji Murata, dated May 26, 2015, Designated Highly Confidential	Mitsubishi Electric
<b>20</b>	Mitsubishi Electric Visual Solutions America, Inc.'s Third Supplemental Response to Direct Purchaser Plaintiff Crago, d/b/a Dash Computers, Inc.'s First Set of Interrogatories to Defendants Mitsubishi, Thomson and TDA, Designated Confidential (Exhibit 1 to DPPs' Supplemental Brief in Support of Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence and for Evidentiary Sanctions, dated June 30, 2016)	Mitsubishi Electric
<b>24</b>	Mitsubishi Electric Defendants' Supplemental Response to DPP Wettstein and Sons, Inc.'s First Set of Interrogatories to Mitsubishi Defendants, Designated Confidential (Exhibit 6 to Mitsubishi Electric's Response to DPPs Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 23, 2015)	Mitsubishi Electric
<b>25</b>	Document Bates Number SDCRT-0006041E_Translation, Designated Highly Confidential (Exhibit 63 to DPPs' Motion to Compel Mitsubishi to Provide Full and Complete Responses to Discovery re Meetings with Competitors, Sales, and Destruction of Evidence, and for Evidentiary Sanctions, dated December 4, 2015)	Samsung SDI

5. The aforementioned Exhibits or portions thereof that the Mitsubishi Electric Defendants seek to file under seal contain material designated as "Confidential" or "Highly Confidential" pursuant to

1 the Stipulated Protective Order governing this action. As a result, it must be submitted under seal pursuant  
2 to Civil Local Rule 79-5.

3         6.       The Mitsubishi Electric Defendants seek to submit the aforementioned Exhibits and  
4 portions of the Exhibits designated as “Confidential” or “Highly Confidential” by other parties under seal  
5 in good faith to comply with the Stipulated Protective Order, the Honorable Jon S. Tigar’s Standing Order  
6 Governing Administrative Motions to File Materials Under Seal, and Civil Local Rules 7-11 and 79-5. To  
7 maintain the documents under seal, within four days of the administrative motion to seal’s filing, the  
8 designating party must file a declaration establishing that the designated material is sealable.

10       7.       The Mitsubishi Electric Defendants’ also seek to maintain documents that they have  
11 designated “Confidential” or “Highly Confidential” under seal. Because the Motion for Relief from  
12 Nondispositive Pretrial Order of Special Master [Dkt. 4802] is not a dispositive motion, “a ‘particularized  
13 showing’ under the ‘good cause’ standard of Rule 26(c) will ‘suffice[] to warrant preserving the secrecy  
14 of sealed discovery material attached to non-dispositive motions.’” *Kamakana v. City & Cty. of Honolulu*,  
15 447 F.3d 1172, 1180 (9<sup>th</sup> Cir. 2006). The documents listed in the chart above designated by Mitsubishi  
16 Electric contain confidential non-public information on the Mitsubishi Electric Defendants’ sales practices,  
17 customers, document retention policies, and competitive positions. Accordingly, under Rule 26(c), good  
18 cause exists for this Court to maintain the documents listed above under seal. *See Kamakana*, 447 F.3d at  
19 1180.

21       8.       Pursuant to Civil Local Rule 79-5(e), this declaration is being served on the designating  
22 parties referenced in the above chart.

24       I declare under penalty of perjury, under the laws of the United States of America, that the foregoing  
25 is true and correct. Executed this 23rd day of September, 2016, in Chicago, IL.

By: /s/ Terrence J. Truax  
Terrence J. Truax

By: Terrence J. Truax  
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